

## **Correcting Non-systemic Issues of IDEA Noncompliance** (May 10, 2005)

The Utah State Office of Education (USOE) has considered various ways that LEAs could document the correction of all compliance errors in individual files. The foundation of this consideration has been the least amount of time and effort for districts while providing the SEA with verifying evidence that corrections have been made.

Corrective actions for systemic errors will continue to be part of the process. The verification of the results of the corrective actions also remains in place.

Some errors are correctable while others are not. For example, if a referral is missing from a file, it makes no sense to go back and fill out a new referral. Obviously it cannot be backdated, and to put the current date on it would put the process out of sequence.

These errors are correctable in individual files:

- Current Eligibility Document
- Current Evaluation Summary
- Current IEP
- Consent for Initial Placement
- Copy to Parent
  - Eligibility Determination
  - Evaluation Summary Report
  - IEP
- Transition Plan Missing or Incomplete

The USOE Special Education Services Unit has devised procedures by which evidence could be provided for each correctable and non-correctable compliance error in each file. Each LEA may select the procedures that fit their own needs best. Procedures for non-correctable errors are also outlined below.

### **Correctable Compliance Issues**

#### **Method 1:**

The LEA may list each file by school, student name, DOB, and classification, list the errors, and give dates of new/current documentation that shows file is in compliance. For example:

School	Student	Compliance items	Evidence of correction
Jojo Junior High	Sam Jones 5/6/00 DD	<ul style="list-style-type: none"><li>• No current IEP</li><li>• No referral</li><li>• Notice of meeting: placement not listed as purpose</li></ul>	2/10/05 Not Correctable Not Correctable
	John Smith etc.	<ul style="list-style-type: none"><li>• Transition plan missing</li><li>• No consent for initial placement</li><li>• IEP does not address special factors</li></ul>	2/10/05 2/10/05 Not Correctable

**Method 2:**

The LEA could instead document the required evidence by writing the evidence on the individual file report received from the SEA and submitting to USOE TA.

Utah Program Improvement Planning System  
Student Record Review  
Individual Student File Report  
USOE

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Jane Doe  
Student Record # 1  
Classification: SLD  
Age: 13.4  
Date of Last IEP: 1/16/2004  
Date of Most Recent IEP: 8/23/2004  
Teacher: John Smith  
Status: CONTINUING  
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All items in the file for Jane Doe were found to be in compliance with the following exceptions: ['\*' indicates that the item is a systemic problem for this set of files.]

Continuing Eligibility Items

CEL.7 Parents given copy of Eligibility Determination Documentation Problem: No documentation that copy was given. **5/12/2005**

Continuing/Re-evaluation IEP

\* CIEP.8 IEP team documents present levels of educational performance. [USOE Rule III.I. p. 46] Problem: PLEP missing. **Not Correctable**

\* CIEP.12.b IEP must contain report of progress on IEP goals. [USOE Rule III.I. p. 47] Problem: No documentation in file. **5/12/05**

Continuing & Re-evaluation LRE/Placement

\* CLRE.8 Placement decision was appropriately made: [USOE Rule III.R.3. p. 53] Problem: Item left blank. **5/12/05**

**Method 3:**

For all correctable errors, submit the individual file report with copies of evidence as described below.

Item	Evidence to submit
<ul style="list-style-type: none"> <li>Current Eligibility Document and Evaluation Summary</li> <li>Current IEP</li> <li>Consent for Initial Placement</li> <li>Transition Plan</li> </ul>	<ul style="list-style-type: none"> <li>Eligibility Document and Evaluation Summary</li> <li>Signature Page</li> <li>Signed consent document</li> <li>Copy of current and complete plan</li> </ul>

## **Non-Correctable Compliance Issues**

Some file errors may occur in one or a few files, but are not systemic compliance issues. Errors that cannot be individually corrected as above must nevertheless be addressed. Possible methods for addressing those are explained below.

Items
<ul style="list-style-type: none"><li>• Eligibility criteria not met</li><li>• Early Childhood Transition requirements</li><li>• Timelines<ul style="list-style-type: none"><li>- Annual review/revision of IEP and placement</li><li>- Determination of continuing eligibility every 3 years</li></ul></li><li>• Referral and At Risk documentation</li><li>• Notice of Meeting<ul style="list-style-type: none"><li>- Review of placement annual</li><li>- Annual review of IEP</li><li>- Eligibility Determination</li><li>- Transition</li></ul></li><li>• IEP<ul style="list-style-type: none"><li>- Goals measurable</li><li>- PLEPs complete</li><li>- Special Factors</li><li>- Participants</li></ul></li></ul>
Actions
<ul style="list-style-type: none"><li>• Training agenda; memo to teachers/case managers; create checklist for required elements on each category of eligibility.</li><li>• Preventive measures, such as staff training and ongoing internal compliance monitoring systems, are advisable.</li><li>• A number of these items are systemic errors in districts and will be addressed through corrective action plans. Verification of results of corrective actions will be gained from district- and state-gathered data.</li></ul>

Please submit documentation of how these items will be addressed.